

**OPINION  
51-205**

January 17, 1951            (OPINION)

WELFARE

RE: Aid to The Blind

You have asked the Attorney General for further comment on the subject matter covered by a letter written on December 28, 1950, by P.O. Sathre, Assistant Attorney General at that time and now a member of the Supreme Court.

Your inquiry deals with the giving of aid to blind persons who have no earned income in excess of \$50.00. The Congress has amended the Social Security Act with reference to the needy blind and shall in determining need, take into consideration any other income or resources of the individual claiming aid to the blind, except that in making such determination, the State Agency shall disregard the first \$50.00 per month of earned income.

We call your attention to a certain portion of Section 185 of the Constitution of the State of North Dakota. This section provides that the state, county or city may do certain things, including giving "reasonable support of the poor". The constitution does not attempt to define a poor person. That is left to the legislature of the state or to any department administering any aid provided for by the legislature. We note that the Congress holds that a needy blind person is needy even though such person has an earned income of \$50.00 per month. This is in fact a definition and determination as to who is a blind and needy person and we may incidentally say in our opinion that it is a fair standard as to who is a needy person. If you accept the mandate of Congress in the administering of this law, you are only adopting a definition as to who is a needy blind person and such an act on the part of your department can in no way be construed to conflict with Section 185 of the Constitution of the State of North Dakota.

ELMO T. CHRISTIANSON

Attorney General